



Patent  
Attorney Docket: 257/019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

James M. Lipton

Serial No.: 09/774,282

Filed: January 29, 2001

For: A COMPOUND AND METHOD  
TREATMENT FOR FUNGAL  
PATHOLOGIES OF THE ORAL  
CAVITY

) Group Art Unit: 1646

) Examiner: To Be Assigned

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TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**I. DOCUMENTS ENCLOSED:**

Applicant submits the following documents with this Transmittal Letter.

- (1) Supplemental Information Disclosure Statement;
- (2) Form PTO-1449; and
- (3) References DV - EG.

LA-229509.1

CERTIFICATE OF MAILING  
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

March 7, 2002  
Date of Deposit

Rachel Marquez

Name of Person Mailing Paper

Signature of Person Mailing Paper

**II. REQUEST FOR EXTENSION OF TIME:**

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

| EXTENSION<br>(months)                 | FEE FOR SMALL<br>ENTITY | FEE FOR OTHER THAN<br>SMALL ENTITY |
|---------------------------------------|-------------------------|------------------------------------|
| <input type="checkbox"/> one month    | \$55.00                 | \$110.00                           |
| <input type="checkbox"/> two months   | \$195.00                | \$390.00                           |
| <input type="checkbox"/> three months | \$445.00                | \$890.00                           |
| <input type="checkbox"/> four months  | \$695.00                | \$1,390.00                         |
| <input type="checkbox"/> five months  | \$945.00                | \$1,890.00                         |

**Fee**

If any extension fee is required, please consider this a petition therefor.

**III. FILING FEES**

Applicant claims small entity status pursuant to 37 CFR 1.27.

| <b>BASIC FILING FEE:</b>   |       |                 |    |   |   | \$0.00                          |        |
|--|-------|-----------------|----|---|---|---------------------------------|--------|
| Total Claims   | 0     | -               | 20 | = | 0 | x \$18.00                       | \$0.00 |
| Independent Claims   |       | -               | 3  | = | 0 | x \$80.00                       | \$0.00 |
| Multiple Dependent Claims  | \$270 | (if applicable) |    |   |   | <input type="checkbox"/>        | \$0.00 |
| Surcharge 37 CFR § 1.16(e)   | \$130 | (if applicable) |    |   |   | <input type="checkbox"/>        | \$0.00 |
| <b>TOTAL OF ABOVE CALCULATIONS</b>   |       |                 |    |   |   | \$0.00                          |        |
| Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. |       |                 |    |   |   | <input type="checkbox"/> \$0.00 |        |
| Extension of Time (from above)   |       |                 |    |   |   | \$0.00                          |        |
| Assignment -- \$40 (if applicable)   |       |                 |    |   |   | <input type="checkbox"/> \$0.00 |        |
| <b>TOTAL FEES SUBMITTED HEREWITH</b>                                       |       |                 |    |   |   | \$0.00                          |        |

**IV. METHOD OF PAYMENT OF FEES:**

A check in the amount of \_\_\_\_\_ is enclosed to cover the above fee(s).

Charge Lyon & Lyon's Deposit Account No. 12-2475 in the amount of \$\_\_\_\_\_.

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The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Respectfully submitted,

LYON & LYON LLP

Dated: 3/7/02

By: Sandra Fujiyama  
Sandra Fujiyama  
Reg. No. 46,713



**22249**

PATENT TRADEMARK OFFICE

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633 W. Fifth Street  
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) Group Art Unit: 1646  
)  
Examiner: Not Yet Assigned  
)  
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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with 37 CFR §§ 1.97 and 1.98, the items identified in this Supplemental Information Disclosure Statement ("IDS") are brought to the attention of the Office. The items are listed on the attached form PTO-1449 and copies are enclosed for the convenience of the Examiner.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

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However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

**PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:**

A check in the amount of \_\_\_\_\_ is enclosed for the above fee(s).  
 Please charge \_\_\_\_\_ to Deposit Account No. 12-2475 for the above fee(s).

The Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Lyon & Lyon's Deposit Account No. 12-2475.

Respectfully submitted,  
LYON & LYON LLP

Dated: 3/1/08

By: Sandra Fujiiyama  
Sandra Fujiiyama  
Reg. No. 46,713



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